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Entered on Docket
November 01, 2007

A handwritten signature in black ink, appearing to read "R. Linda Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

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38 In re:
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40 USA COMMERCIAL MORTGAGE COMPANY,
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42 USA CAPITAL REALTY ADVISORS, LLC,
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44 USA CAPITAL DIVERSIFIED TRUST DEED
45 FUND, LLC,
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47 USA CAPITAL FIRST TRUST DEED FUND, LLC,
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49 USA SECURITIES, LLC,

50 Debtors.

51 Case No. BK-S-06-10725-LBR
52 Case No. BK-S-06-10726-LBR
53 Case No. BK-S-06-10727-LBR
54 Case No. BK-S-06-10728-LBR
55 Case No. BK-S-06-10729-LBR

56 CHAPTER 11

57 Jointly Administered Under
58 Case No. BK-S-06-10725 LBR

59 **ORDER SUSTAINING OBJECTION OF**
60 **USACM TRUST TO MARTIN IRWIN'S**
61 **CLAIM FILED IN WRONG DEBTOR'S**
62 **CASE; AND SUSTAINING OBJECTION**
63 **OF DTDF TO PROPOSED ALLOWANCE**
64 **OF CLAIM**

65 Hearing Date: October 15, 2007
66 Hearing Time: 9:30 a.m.

67 **Affects:**

68 All Debtors
69 USA Commercial Mortgage Company
70 USA Capital Realty Advisors, LLC
71 USA Capital Diversified Trust Deed Fund, LLC
72 USA Capital First Trust Deed Fund, LLC
73 USA Securities, LLC



1 The Court having considered the "Objection of USACM Trust to Martin Irwin's
 2 Claim Filed in Wrong Debtor's Case; Objection of DTDF to Proposed Allowance of
 3 Claim" [Docket No. 4689] (the "Objection"); with appearances as set forth in the record at
 4 the hearing noted above; appropriate notice of the Objection having been given; no
 5 response to the Objection having been filed; and good cause appearing:

6 **IT IS HEREBY ORDERED** that:

7 1. The Objection is sustained;
 8 2. Proof of Claim No. 10725-00598 is disallowed in its entirety as against USA
 9 Commercial Mortgage and USA Capital Diversified Trust Deed Fund, LLC ("DTDF");
 10 and
 11 3. Martin Irwin's equity interest in DTDF is allowed in the amount of
 12 \$24,023.66, as reflected in DTDF's books and records as of April 13, 2006.

13 PREPARED AND RESPECTFULLY SUBMITTED BY:

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RULE 9021 DECLARATION

In accordance with Local Rule 9021, the undersigned certifies:

- The Court waived the requirements of LR 9021.
- I have delivered a copy of the proposed order to the Office of the United States Trustee and the parties who filed papers in response to the Objection or appeared at the hearing noted above, and each has:
 - approved the form of this order; and/or
 - waived the right to review the order; and/or
 - failed to file and serve papers in accordance with LR 9021(c); and the following have disapproved the form of the order:
n/a
- No opposition was filed to the objection and no other party or counsel appeared at the hearing.

LEWIS AND ROCA, LLP

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